

NUISANCE & DISTURBANCE BYLAW

BYLAW NO. 2001- 08 OF THE SONGHEES FIRST NATION

A Bylaw Regulating Nuisances on the Songhees Reserves

WHEREAS the Council of the Songhees First Nation desires to make a bylaw for the regulation of nuisances on the Songhees Reserves;

AND WHEREAS the Council of the Songhees First Nation, pursuant to paragraph 81(1) of the Indian Act, R.S.C. 1985, c.I-5, may, subject to the approval of the Minister of Indian Affairs and Northern Development, make bylaws for the health of residents, the observance of law & order, the prevention of disorderly conduct and nuisances, the construction, repair and use of buildings, and the destruction and control of noxious weeds;

NOW THEREFORE the Council of the Songhees First Nation hereby enacts the following bylaw:

SHORT TITLE

1. This bylaw may be cited as the "Nuisance & Disturbance Bylaw."

INTERPRETATION

2.1 In this bylaw,

"Council" means the Chief and Council of the Songhees First Nation;

"First Nation" means the Songhees First Nation;

"Person" includes a corporation;

"Property" includes any leasehold interest, Certificate of Possession, and surveyed or unsurveyed lot;

"Public" includes any person on or off the Songhees reserves;

"Reserve" means the reserve lands set apart for the use and benefit of the Songhees First Nation.

2.2 Each day that an person is in violation of section of this bylaw shall constitute a distinct offence.

2.3 If any part, section, sub-section, clause, sentence or phrase of this bylaw is found invalid, by decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

NUISANCE

3. Every person commits an offence who:

(a) stores more than two unlicensed or abandoned cars on their property;

(b) stores appliances or furniture or parts thereof, tires or parts of cars, garbage or refuse on their property;

(c) dumps cars, appliances or furniture or parts thereof, tires, parts of cars, garbage or refuse anywhere on the reserve;

(d) burns garbage or refuse or discharges into the air or water any substance that materially impairs the ability of another person to enjoy their property, or which poses a risk to the health and safety of the public;

(e) produces noise which materially impairs the ability of another person to enjoy their property,

or which poses a risk to the health and safety of the public; or
(f) fails to fence off, or otherwise enclose, any object which, if left exposed, could pose a risk to the safety or health of the public.

DISTURBANCE

4. Every person commits an offence who engages in the following act or behaviour:
- (a) fighting
 - (b) making or causing unreasonable noise;
 - (c) using abusive language;
 - (d) using offensive or indecent gestures or displays;
 - (e) being drunk;
 - (f) loitering;
 - (g) exposing, firing or discharging any gun, pistol or other firearm, or using or threatening to use any other article as a weapon; or
 - (h) interfering in any manner with the orderly conduct of commercial, administrative, educational, recreational, health care, cultural, spiritual, religious or ceremonial activities on the Reserve,

that disrupts public order on the reserve, scandalizes the community, or causes public inconvenience, annoyance or alarm.

ENFORCEMENT

5.1 Council may, by resolution, appoint an officer to enforce this bylaw.

5.2 An officer may order any person who commits an offence under sections 3 or 4 to refrain from the offensive conduct or to remedy the offensive situation within a reasonable period of time.

5.3 If a person fails to comply with an order under section 5.2, the officer may take reasonable steps to stop, prevent or abate the offence. The person who fails to comply with an order under this bylaw is liable for the costs incurred by the officer to stop, prevent or abate the offence.

PENALTY

6. Any person who commits an offence is liable upon summary conviction to a fine of no more than \$1,000 or to imprisonment for up to 30 days.

AMENDMENT

7. Council must follow the following procedures in amending or repealing this bylaw:
- (a) Council must present the amendment or proposal to repeal for discussion at three separate meetings;
 - (b) Council must provide at least 15 days notice to members prior to each meeting referred to in section 7(a). Such notice must indicate the nature of the bylaw being discussed;
 - (c) Council must allow any member, or any person who may possibly be affected by the proposed bylaw, to present written or oral comments at any of the meetings required by section 7(a). Council may, however, set reasonable restrictions on the amount of time allowed for such comments.

This by-law is hereby made at a duly convened meeting of the Council of the Songhees First Nation this 19th day of June, 2001.

Voting in favour of the by-law are the following members of the Council:

Chief Robert Sam Elmer George
(Member of the Council) (Member of the Council)
Samuel Thomas George
(Member of the Council) (Member of the Council)

being the majority of those members of the Council of the Songhees First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three members.
Number of members of the Council present at the meeting: .

I, Robert Sam, Chief/Councillor of the Songhees First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Ottawa office of the department pursuant to subsection 82(1) of the Indian Act, on or about this 19th day of June, 2001.

[Signature]
(Witness)

Chief Robert Sam
(Chief/Councillor)